

I declare under penalty of perjury that the foregoing is true and correct.

4-30-2010

(Date)

Daryl J. Smith
(Signature of Plaintiff)

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

Daryl Smith

#EM-7210

SCI-Dallas 1000 Follies

Dallas, Pennsylvania 18612-0286

Name of Plaintiff(s)

v.

Atlas Fitness Incorporation Systems,

Bally's Fitness, et al.,

*[and others]

Name of Defendant(s)

1: CV-10-1021

Civil Case No.

Judge

(Number and Judge to be
assigned by court)

FILED
WILLIAMSPORT, PA

MAY 12 2010

MARY E. D'ANDREA, CLERK
Per Deputy Clerk

APPLICATION TO PROCEED IN FORMA PAUPERIS

PLEASE READ CAREFULLY AND FULLY COMPLETE EACH SECTION.

1. ☒ I am willing to pursue my claims in this action under the new provisions of The Prison Litigation Reform Act, understanding that pursuing my claim requires payment of a partial filing fee and Deduction of sums of \$350.00 has been paid in full.
2. ☒ I have enclosed an executed Authorization form which authorizes the Institution holding me in custody to transmit to the Clerk a certified copy of my trust account for the past six (6) months as well as payments from the account in the amounts specified by 28 U.S.C. § 1915(b).
3. ☒ Have you, prior to the filing of the complaint in this action and while a prisoner as that term is defined in 28 U.S.C. § 1915(h), brought 3 or more actions or appeals in a court of the United

States that were dismissed as frivolous, malicious, or for failure to state a claim upon which Relief may be granted? Yes _____ No x

- (a) If the answer is "yes," are you now seeking relief because you are under imminent danger of serious Physical injury?
Yes _____ No x

- (b) Please explain in detail why you are under imminent danger of serious physical injury:
Not Applicable.

4. (a) Are you presently employed at the Institution? Yes _____ No x

(b) If yes, what is your monthly compensation? \$ -0-

5. Do you own any cash or other property; have a bank account; or receive money from any Source? Yes _____ No x

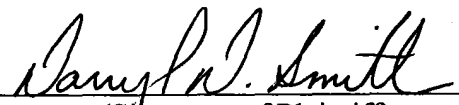
If the answer is "yes" to any of the above, describe each source and the amount involved.

Not Applicable.

* Mailed to > United States District Court
Office of the Clerk
Middle District of Pennsylvania
U.S. Courthouse, Suite 218
240 West 3rd. Street
Williamsport, Pennsylvania 17701-6460

I certify under penalty of perjury that the foregoing is true and correct.

Executed on 4-30-2010
(Date)


(Signature of Plaintiff)

This certification is executed pursuant to Title 28, United States Code, Section 1746.